



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Nancy E. McIntyre, Chair
APELSCIDLA Board
Department of Professional and Occupational Regulation

Kate Nosbisch, Executive Director
APELSCIDLA Board
Department of Professional and Occupational Regulation

From: Steven P. Jack
Assistant Attorney General

Date: September 24, 2009

Subject: Letter of Assurance for Amendments to Board Regulations 18 VAC 10-20

I have reviewed the APELSCIDLA Board's proposed amendments to its regulations, particularly 18 VAC 10-20 *et seq.*, that were posted on the Virginia Regulatory Town Hall internet site on September 24, 2009. In my view, as counsel to the APELSCIDLA Board, these regulations may be promulgated pursuant to §§ 54.1-201(5), 54.1-404, and 54.1-411(C) of the *Code of Virginia*. Further, the adoption of these regulations is exempt from the requirements of the Administrative Process Act pursuant to § 2.2 – 4006.A.4.a of the *Code of Virginia*. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.